

**CHILD CARE LICENSING ADVISORY COMMITTEE  
MEETING MINUTES**

08 November 2012  
Cannon Health Building, Room 125  
288 North 1460 West  
Salt Lake City, UT

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**Members Present:** Dale Smith, Diane Wilkinson, Carol Thompson, Tracey Brown, Heidi Radeke, Ed Dieringer, Julie Shakib, Jodi Jensen, Patrick Marino,

**Members Excused:** Michael Libeck, Joni Hemond, Leslie Hjorth,

**Members Absent:** Carolyn Miller

**Department of Health and Child Care Licensing Staff Present:** Marc Babitz, Nan Streeter, Simon Bolivar, Donna Thomas, Jessica Strout, Karrie Phillips, Colleen Murphy

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**WELCOME**

Mr. Smith welcomed the committee members and members of the public who were in attendance and started the meeting at 9:30 a.m.

**APPROVAL OF MINUTES**

Minutes from the July meeting were approved via e-mail by Mr. Smith, Ms. Wilkinson, Dr. Shakib, Ms. Brown, Mr. Marino, Ms. Radeke, Ms. Hjorth, and Mr. Dieringer.

**NEW BUSINESS**

- ◆ Mr. Bolivar went over the recent rule amendments. No comments were received during the public comment period so the rules will be submitted for publication.

R430-6 Background Screening Rules

- The definition of “involved with child care” was enumerated and “reside at a facility where care is provided” and “be present at a facility while care is being provided, except for parents dropping off or picking up their child, or attending a scheduled event at the child care facility” was added.
- The requirement for the submission of a background screening when a child turning 12 who reside in facilities where care is provided was added.
- A provision for the Executive Director of the Department of Health to consider and

exempt individual cases when the background finding was not a felony was added.

#### R430-50 Residential Certificate Child Care

- To be consistent with other rules, the change was made that certificate holders are to bring each child's emergency contact information, not each child's admission form, to off-site activities.
- The numbering of some rules was corrected.

#### R430-60-2 Hourly Child Care Centers

- Since there is no such position for hourly child care centers, a reference to "assistant caregiver" was deleted.
- The numbering of some rules was corrected.

#### R430-70 Out of School Time Child Care Programs

- Because mirrors usually have backs or are against walls that prevent children from going through the glass and reflections acts as visual barriers, the requirement for glass mirrors to be made of safety glass was deleted.
- It was added that the director will inform each child's parent of changes to the program's telephone number.
- The numbering of some rules was corrected.

#### R430-90 Licensed Family Child Care

- It was added to the definition of stationary play equipment that the equipment is to have a three foot use zone that is free of hard surfaces.
- Since they are no longer required, references to TB screenings were deleted.
- The numbering of some rules was corrected.

#### R430-100 Child Care Centers

- Because mirrors usually have backs or are against walls that prevent children from going through the glass and reflections acts as visual barriers, the requirement for glass mirrors to be made of safety glass was deleted.
- The numbering of some rules was corrected.

- ◆ Mr. Bolivar presented the findings of a recent report entitled "Is America Prepared to Protect Our Most Vulnerable Children in Emergencies?" prepared by Save Our Children. The report

listed four standards of practice that they considered necessary to keep all children safe during emergencies. They are (1) a plan for evacuation children in child care, (2) a plan for reuniting families after a disaster, (3) a plan for children with disabilities and those with access and functional needs, and (4) a multi-hazard plan for K-12 schools. According to the report, Utah did not have a plan for children with disabilities and those with access and functional needs.

Rather than create a new rule, Mr. Bolivar proposed adding the following to the program's emergency and disaster plan template and to the rule interpretation manual:

"If child care services for a child with special needs are provided, the licensee shall provide for the enrolled child's participation in each fire and emergency evacuation drill. (Children with special needs include children less than 30 months of age, children with limited mobility, and children who otherwise may need assistance in an emergency, as in a child who is intellectually, physically, visually, or hearing impaired. ) Therefore, the following is a description of how your facility will address the needs of all children in the event of an emergency:"

By adding this, Utah will have all four standards of practice that Save Our Children considers necessary to keep all children safe in emergencies.

In response to Mr. Marino's question, Mr. Bolivar explained that applicants for new licenses are required to submit written emergency and disaster plans that must be approved before the initial license is issued. Licensed providers are required to review their emergency and disaster plan at least once a year and update them as needed. Any updates are required to be submitted and approved.

A motion was made and seconded to approve the proposed addition to the emergency and disaster plan template and interpretation manual. The board voted and approved the additions.

- ♦ Mr. Marino brought up the fact that licensed programs have to compete with license-exempt programs and unlicensed programs and wants to try to "level the playing field". He would like the committee to look at rules that may be excessive and/or burdensome to providers. He questioned how licensing rules can be stricter than the international building code.

**Action Item:** Mr Bolivar will give Mr. Marino information relating to the building code and licensing rules that was presented at a previous meeting .

Ms. Radeke agreed that it's hard competing with some other programs, especially county-run programs because they are license-exempt and don't have to make a profit.

Mr. Bolivar explained that the rules for exemption are in statute and Child Care Licensing

staff cannot change statute. The advisory committee, as citizens, can propose that the legislators change the exempt statute.

Dr. Shakib commented that parents have told her that they feel their children are safer in licensed facilities and there is the perception that licensed facilities are better programs. She added that the committee can look at specific rules and discuss if they are too restrictive.

Ms. Wilkinson stated that she used to resent licensing rules but now believes that the people putting the rules in place care about the children and their safety and she understands the reasons for the rules. She urged everyone to contact their legislators about exempt child care. She believes that legislators listen when two or more people complain about the same thing.

Dr. Babitz said that multiple attempts to change the exempt statute have failed. He suggested that the committee draft a letter outlining their concerns and each member bring it to their legislator and also send the letter to Dr. Patton and/or Governor Herbert.

There was a motion and it was seconded that Ms. Radeke drafted a position paper regarding the license exempt statute. The committee voted and agreed.

Mr. Marino requested that Child Care Licensing provided licensed providers with window stickers or cling-ons that show they have a state child care license.

**Action Item:** Mr. Bolivar will look at the program's budget and see if such stickers or cling-ons are a possibility.

Mr. Smith feels there may be some confusion about the differences between rules and statute and encouraged committee members to read both.

Mr. Bolivar explained that all licensing rules and the statute can be found on the Child Care Licensing web page at [www.health.utah.gov/licensing](http://www.health.utah.gov/licensing). The statute can also be found at <http://health.utah.gov/licensing/rules/LicensingStatute.pdf>.

### **REPORTS FROM PARTNER AGENCIES**

- ◆ Mr. Matherly gave an update on Care About Childcare. He reported that this week there were about 80,000 hits on the web page and between 40,000 and 60,000 of those were probably from first time visitors. He said that there have been over 30,000 hits on the Licensing Record part of the web page. He feels the web page is educating the public about licensed child care and quality indicators. Providers have reported to him that parents have found them through Care About Child Care. She said they are looking at the provider web pages and looking at quality indicators and licensing records before calling to enroll children.

Mr. Matherly explained that staff from the Resource and Referral agencies are helping providers with the technology part of the web page and are going to facilities to help providers achieve quality indicators. He announced that there is a second grant available to help providers achieve quality indicators.

He feels the media campaign was successful and, even though the commercials' air time will soon expire, they will be available on Facebook, You Tube, and through Google searches.

He also reported that they are gathering feedback about Care About Childcare through town meetings and survey monkeys and will review that feedback and make any needed changes. There is a meeting at the Office of Child Care on December 3<sup>rd</sup> from 9:00 to 4:00 to present the feedback, get more feedback, and decide what needs to be changed.

### **PUBLIC COMMENTS**

- ◆ Sandy Craft, a training coordinator at Metro Resource and Referral, requested that the topic of child sexual abuse prevention and awareness be added to the list of required topics for annual training.

Mr. Smith requested that Ms. Craft and Mr. Bolivar create a draft of the proposed rule change.

**Action Item:** Mr. Bolivar will bring to the next meeting a draft of the proposed change to the rule for annual training that adds child sexual abuse prevention and awareness to the list of required topics.

As there was not a quorum of committee members by the end of the meeting, Mr. Smith unofficially ended the meeting at 11:38 a.m.

Upcoming meeting schedule for 2013:

January 10: Room 128

March 14: Room 128

May 9: Room 128

July 11: Room 128

September 12: Room 128

November 14: Room 125